

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JOE THOMAS BELL,

Plaintiff,

V.

Case No. CIV-08-1255-R

JUDGE TAMMY BASS-JONES

LESURE,

Defendant.

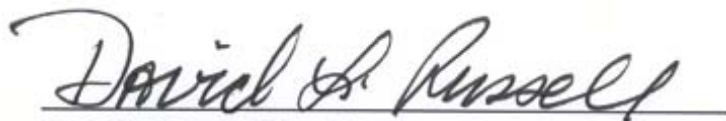
ORDER

Before the Court are the Report and Recommendation of United States Magistrate Judge Robert E. Bacharach entered December 9, 2008 [Doc. No. 7] and Plaintiff's "Motion to Object" to the Report and Recommendation filed December 24, 2008 [Doc. No. 11]. Also before the Court are Plaintiff's motion for extension of time, his petition for a writ of mandamus and motion to add a second defendant [Doc. No. 12].

The Magistrate Judge recommended that the Court deny Plaintiff's motion for pauper status and order Plaintiff to prepay the filing fee of \$350.00 within twenty (20) days of an order adopting the Report and Recommendation. Plaintiff does not object to denial of pauper status. He merely seeks thirty days in which to pay the filing fee, add the ODOC Private Prison Trust Fund Accountant, Cathie G. Brunken, as a party Defendant and to obtain a writ of mandamus against her to compel her to send Plaintiff's \$242.00 in savings to the Court Clerk toward payment of the filing fee.

It is clear from Plaintiff's pleadings that Plaintiff misunderstood the Report and Recommendation as an order to pay the filing fee within twenty (20) days, which it was not. Likewise, it is clear from Ms. Brunken's letter of December 17, 2008 (attached as an exhibit to Doc. No. 12) that she correctly understood that the Report and Recommendation did not constitute an order to pay the filing fee within twenty (20) days and that upon receipt of such an order she would process Plaintiff's request that his savings be paid to the Court Clerk. Accordingly, Plaintiff's motion to object [Doc. No. 11] and motion for extension of time, petition for a writ of mandamus and motion to add defendant [Doc. No. 12] are DENIED as unnecessary. The Report and Recommendation of the Magistrate Judge [Doc. No. 7] is ADOPTED in its entirety, Plaintiff's motion for pauper status is DENIED and Plaintiff is ORDERED to pay the entire \$350.00 filing fee to the Court Clerk within twenty (20) days of the date of this Order. In the event the entire \$350.00 filing fee is not paid within twenty (20) days of the date of this Order, this case will be dismissed and any partial payment of the filing fee will be remitted.

IT IS SO ORDERED this 30th day of December, 2008.


DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE